

REMARKS

Claims 1, 2, 5, 8, and 10 stand rejected under 35 U.S.C. § 102(b) as being anticipated by Chang (U.S. Patent Application Publication Number US20010030953A1). Respectfully disagreeing with these rejections, reconsideration is requested by the applicant.

Independent claim 1 recites "providing, by a cell in the mobile communication system, data transmission services via a forward link; **indicating to an MS that the cell will not provide data transmission service to the MS via the forward link**" (emphasis added). The Examiner asserts that the BS Ack ORDER message 80l indicates that the source base station will not provide data transmission service. Chang discusses message 80l in paragraph [0084]. Chang paragraphs [0082-0084] read as follows (emphasis added):

[0082]In step 80j, the mobile station sends a reverse traffic channel frame or a traffic channel preamble **to the target base station.**

[0083]In step 80k, the mobile station sends a handoff completion message **to the target base station.**

[0084]In step 80l, the target base station wirelessly sends **a BS Ack order message to the mobile station, in reply to the handoff completion message.**

The applicant fails to see how the BS Ack ORDER message 80l, as described in Chang, can be said to indicate that the source base station will not provide data transmission service. First, Chang clearly states that the BS Ack ORDER message 80l is in reply to the handoff completion message sent in step 80k by the mobile station. The applicant submits that this simply implies that the BS Ack ORDER message 80l is an acknowledgment message, as its name suggests. The applicant cannot find any other teaching or suggestion regarding BS Ack ORDER message 80l.

Moreover, the applicant submits that FIG. 8 suggests that the mobile station has already left the source BS for the target BS beginning with step 80j. The applicant fails

to see how this suggests that the BS Ack ORDER message 80i (the second message after 80j) can be said to indicate that the source base station will not provide data transmission service. Again, the applicant submits that Chang merely teaches that the BS Ack ORDER message 80i is in reply to the handoff completion message. No teaching or suggestion that the BS Ack ORDER message 80i indicates anything else can be found in Chang. If the Examiner is not persuaded, the applicant requests that Examiner more fully and explicitly explain how the BS Ack ORDER message 80i can be asserted to indicate more.

Since none of the references cited, either independently or in combination, teach all of the limitations of rejected independent claim 1, or therefore, all the limitations of their respective dependent claims, it is asserted that neither anticipation nor a prima facie case for obviousness has been shown. No remaining grounds for rejection or objection being given, the claims in their present form are asserted to be patentable over the prior art of record and in condition for allowance. Therefore, allowance and issuance of this case is earnestly solicited.

The Examiner is invited to contact the undersigned, if such communication would advance the prosecution of the present application. Lastly, please charge any additional fees (including extension of time fees) or credit overpayment to Deposit Account No. 502117 -- Motorola, Inc.

Respectfully submitted,
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